

HOUSE BILL No. 1829

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-10.

Synopsis: Tobacco use by minors. Makes it a Class C misdemeanor instead of a Class C infraction for a person to knowingly sell or distribute tobacco to a person who is less than 18 years of age. Removes the defense that the person reasonably believed that the buyer or taker of the tobacco was at least 18 years of age.

Effective: July 1, 1999.

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January 26, 1999, read first time and referred to Committee on Public Health.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1829

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-1-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) A person who
3 knowingly sells or distributes tobacco to a person less than eighteen
4 (18) years of age commits a ~~Class C infraction~~. **Class C misdemeanor**.
5 (b) It is not a defense that the person to whom the tobacco was sold
6 or distributed did not smoke, chew, or otherwise consume the tobacco.
7 (c) It is **not** a defense that the accused person reasonably believed
8 that the buyer or taker was at least eighteen (18) years of age.
9 (d) It is a defense that the accused person sold or delivered the
10 tobacco to a person who acted in the ordinary course of employment or
11 a business concerning tobacco:
12 (1) agriculture;
13 (2) processing;
14 (3) transporting;
15 (4) wholesaling; or
16 (5) retailing.



1 (e) As used in this section, "distribute" means to give tobacco to
2 another person as a means of promoting, advertising, or marketing the
3 tobacco to the general public.

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